

DRAFT

Title 22, California Code of Regulations Division 4.5

Chapter 10 Article 2. Definitions

66260.10 Definitions.

"Cargo tank" means any tank permanently attached to, or a structural part of, a vehicle; or any bulk liquid or compressed gas packaging that is not permanently attached to a vehicle and by reason of its size, construction or method of attachment is filled or emptied without removal from the vehicle. The term does not include tanks that furnish fuel for propulsion of motor vehicle, or auxiliary equipment on which they are installed or any packaging fabricated to cylinder specifications.

"Cathode ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

"Covered container" means any container which is equipped with a cover or other device that will prevent the escape of a liquid or solid substance when closed.

"Covered electronic device" has the same meaning as Public Resource Code section 42463(f)(1).

"Covered electronic waste" has the same meaning as Public Resource Code section 42463(g).

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface so that hazardous constituents are degraded, transformed or immobilized within the treatment zone. Such facilities are disposal facilities if the waste will remain after closure.

"LCD with a mercury-containing lamp" means a liquid crystal display illuminated by mercury-containing back lighting.

66260.201 Classification of an Electronic Device as a Covered Electronic Device

(a) An electronic device that is listed in subdivision (c) of Appendix X to Chapter 11 shall be managed as a "covered electronic device" under chapter 8.5 of part 3 of division 30 of the Public Resources Code (section 42460 et seq.) unless the manufacturer of the device has obtained the Department's concurrence that the device is nonhazardous pursuant to subsection (c).

(b) A manufacturer shall determine if it produces any covered electronic device listed in subdivision (c) of Appendix X of Chapter 11. Manufacturers of listed devices shall notify the retailers of those products pursuant to Public Resources Code section 42465.3. A manufacturer who incorrectly determines that a product is not a listed device or fails to make the Public Resources Code section 42465.3 notifications is in violation of the requirements of this division.

(c) A manufacturer may determine that it produces an electronic device that is listed in subdivision (c) of Appendix X of Chapter 11 that is nonhazardous and apply to the Department for concurrence with its non-hazardous determination through the procedure set forth in section 66260.200(d).

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

Chapter 11

Appendix X

(c) This subdivision sets forth a list of electronic wastes that are presumed to be hazardous wastes unless it is determined that the electronic waste is not a hazardous waste pursuant to the procedures set forth in section 66262.11. The hazardous characteristics that serve as a basis for listing the common names of electronic wastes are indicated in the list as follows:

(X) toxic, (C) corrosive, (I) ignitable, (R) reactive.

Cathode ray tube containing devices (CRT devices) with CRTs greater than four inches (X)

Cathode ray tubes (CRTs) greater than four inches (X);

Computer monitors containing cathode ray tubes greater than four inches (X)

Laptop computers with liquid crystal display (LCD) screens greater than four inches (X)

LCD containing desktop monitors greater than four inches (X)

Televisions containing cathode ray tubes greater than four inches (X)

Chapter 23. Standards for Universal Waste Management

Article 1. General

66273.3. Applicability—Consumer Electronic Devices.

(a) Consumer electronic devices covered under chapter 23.

(1) The requirements of this chapter apply to persons managing consumer electronic devices, as described in section 66273.9, except those listed in subsection (b) of this section.

(2) Discarded consumer electronic devices that are hazardous solely because the device exhibits the characteristic of toxicity specified in section 66261.24 may be managed as a universal waste.

(b) Consumer electronic devices not covered under chapter 23.

The requirements of this chapter do not apply to persons managing the following consumer electronic devices:

(1) Consumer electronic devices that are not yet wastes under chapter 11. Subsection (c) of this section describes when consumer electronic devices become wastes.

(2) Consumer electronic devices that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11- and that are not otherwise identified as hazardous waste under chapter 11.

(3) Consumer electronic devices that exhibit any characteristic of a hazardous waste other than the characteristic of toxicity.

(3) Consumer electronic devices that are destined for disposal or are disposed to a class I landfill, in which case the consumer electronic device shall be managed as hazardous waste under chapters 10 through 22.

4) Consumer electronic devices that are managed as hazardous waste under chapters 10 through 22 of this division;

(5) Consumer electronic devices that are exempted pursuant to subsection 66273.8(c);

(6) Consumer electronic devices that were previously identified as waste under chapter 11, but are no longer identified as a waste (e.g., a discarded consumer electronic device that is refurbished and is returned to service).

(c) Generation of waste consumer electronic devices.

(1) A used consumer electronic device becomes a waste on the date it is discarded (e.g., when sent for reclamation).

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

(2) An unused consumer electronic device becomes a waste on the date the ~~handler~~ owner decides to discard it.

66273.9. Definitions.

“Consumer Electronic Device” means any electronic device, ~~or any component of an electronic device,~~ including, but not limited to, computers, computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. A consumer electronic device does not include any CRT device as defined in this section, or any major appliance as defined in the Public Resources Code section 42166. The requirements of this chapter only apply to consumer electronic devices as described in section 66273.3(a) (i.e., those wastes that exhibit the characteristic of toxicity).

“CRT Material Transporter” means a person engaged in the off-site transportation of CRT materials by air, rail, highway, or water.

Lamp, also referred to as universal waste lamp, is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps. ~~“Lamp” does not include mercury-containing lamps used as back lighting in electronic devices that contain liquid crystal displays (LCDs).~~

~~“LCD,” or “LCD with a mercury-containing lamp” means a liquid crystal display illuminated by mercury-containing back lighting.~~

“PRC” means California Public Resources Code

“Universal Waste Handler:

(a) Means:

(1) A generator (as defined in section 66260.10 and this section) of universal waste; or
(2) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

(b) Does not mean:

(1) A person who treats (except under the provisions of section 66273.13, section 66273.33, or section ~~66273.83(b) or (c)~~), disposes of, or recycles universal waste; or

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

(2) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

(3) A CRT material handler, as defined in this section.

Article 2. Standards for Small Quantity Handlers of Universal Waste

66273.12. Notification.

A small quantity handler of universal waste is not required to notify the Department or the U.S. EPA of universal waste handling activities except as specified for small quantity universal waste consumer electronic device handlers as specified in section 66273.13(d).

66273.13. Waste Management.

(a) ~~Universal waste batteries.~~ **Universal Waste Batteries.** A small quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(b) ~~Universal waste thermostats.~~ **Universal Waste Thermostats.** A small quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(c) ~~Lamps.~~ **Lamps.** A small quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(d) ~~Consumer electronic devices.~~ **Universal Waste Consumer Electronic Devices.** A small quantity handler of universal waste shall manage consumer electronic devices in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) **Containment:**

(A) A small quantity handler of universal waste shall contain any universal waste consumer electronic devices in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the universal waste consumer electronic devices. Such containers and packages shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Whole universal waste consumer electronic devices that are managed in a manner that prevents breakage of the device and release of hazardous components of the device (e.g, shrink-wrapped on a pallet) shall be considered to comply with this requirement.

~~(2) A small quantity handler of universal waste may disassemble a consumer electronic device provided the handler:~~

~~(A) Removes only those discrete assemblies that are typically removed during the normal operation of the consumer electronic device, such as the removal and replacement of batteries or ink cartridges; and~~

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

~~(B) Conducts the disassembly in the manner prescribed in the operating manual for the consumer electronic device, or that would otherwise be performed during the normal use of the consumer electronic device.~~

(B3) A small quantity handler of universal waste shall immediately clean up and place in a container any universal waste consumer electronic device that is broken and shall place in a container any universal waste consumer electronic device that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the consumer electronic devices and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of hazardous components to the environment under reasonably foreseeable conditions.

(2) General Notification and Reporting Requirements

(A) Notification: A small quantity handler of universal waste consumer electronic devices who intends to handle any universal waste consumer electronic devices from any offsite source shall notify the Department at least 30 days prior to accepting any universal waste consumer electronic devices. This notification shall include the information specified below.

- (1) Name of handler;
- (2) Telephone number of handler;
- (3) Type of handler for purposes of Public Resources Code, division 30, part 3, chapter 8.5 (i.e., collector, recycler, or dual entity);
- (4) Mailing address of handler, and physical address, including county, if different from the mailing address;
- (5) Name of the contact person;
- (6) Telephone number of the contact person;
- (7) An e-mail address for the contact person or organization, if available;
- (8) The types of universal waste consumer electronic devices expected to be handled;
- (9) The sources of universal waste consumer electronic devices (i.e., residential collections, business asset recovery, other collectors, etc.).

(B) Annual Report. A small quantity handler of universal waste consumer electronic devices that accepts more than five universal waste consumer electronic devices from any offsite source shall, by February 1 of each calendar year, commencing February 1, 2005, submit a written or electronic report containing the information specified below to the Department. The information submitted under this subsection shall cover universal waste consumer electronic device handling activities during the previous calendar year.

- (1) Name of handler;
- (2) Telephone number of handler;
- (3) Mailing address of handler, and physical address, including county, if different from the mailing address;
- (4) Name of the contact person;
- (5) Telephone number of the contact person;
- (6) An e-mail address for the contact person or organization, if available;
- (7) The types of universal waste consumer electronic devices handled;
- (8) The total quantity of universal waste consumer electronic devices (count or weight) handled during the previous calendar year;
- (9) A list including the names, addresses, and phone numbers of each location that the small quantity handler shipped universal waste consumer electronic devices to during the previous year and the total quantity of universal waste consumer electronic devices (count or weight) shipped to each location.

(C) Electronic notifications and reports submitted under this subsection shall be submitted to www.dtsc.ca.gov.

(D) Written notifications and reports shall be submitted to the Department by certified mail, return receipt requested to: Department of Toxic Substances Control, Hazardous Waste Management Program,

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: CED Handling Activities" prominently displayed on the front of the envelope.

(3) Small Quantity Handler Standards: A small quantity handler of universal waste consumer electronic devices may treat or recycle the universal waste consumer electronic devices (i.e., may conduct hazardous waste treatment) provided the handler complies with the applicable standards below:

(A) Notwithstanding subsections (B), (C), and (D) below, a small quantity handler of universal waste consumer electronic devices may remove from the universal waste consumer electronic devices any discrete assemblies which are typically removed during the normal operation of the universal waste consumer electronic device, such as the removal and replacement of batteries or ink cartridges, provided the small quantity universal waste handler conducts the disassembly in the manner prescribed in the operating manual for the universal waste consumer electronic device, or that would otherwise be performed during the normal use of the universal waste consumer electronic device.

(B) A small quantity handler of universal waste who recycles universal waste consumer electronic devices by reclaiming components (e.g., circuit boards, integrated circuits, metals, plastic, wiring, batteries, lamps, etc.) from universal waste consumer electronic devices through manual disassembly, dismantling, or otherwise manually segregating components from those devices for the purposes of directly reusing those components onsite without further processing, or sending those components offsite for direct reuse or further reclamation at another location shall comply with subsections (F)(1) through (F)(5) below.

(C) A small quantity handler of universal waste who recycles universal waste consumer electronic devices (and their components) through the utilization of treatment processes other than manual disassembly for the purposes of directly reusing components onsite without further processing, sending components offsite for direct reuse, or sending components or treatment residuals offsite for further reclamation at another location, and whose recycling or treatment activities produces only hazardous residuals that meet the definition of scrap metal in 66260.10, or which are otherwise exempt from full regulation as hazardous waste, shall comply with subsections (F)(1) through (F)(6) below.

(D) A small quantity handler of universal waste who recycles universal waste consumer electronic devices (and their components) through the utilization of treatment processes other than manual disassembly for the purposes of directly reusing components onsite without further processing, sending components offsite for direct reuse, or sending components or treatment residuals offsite for further reclamation at another location, and whose recycling or treatment activities produce any residuals which exhibit any hazardous waste characteristic defined in chapter 11 and do not meet the definition of scrap metal in section 66260.10 or qualify for management as universal waste under this chapter shall comply with subsections (F)(1) through (F)(7) below.

(E) A small quantity handler of universal waste consumer electronic devices who conducts treatment or recycling activities as described in subsections (A) through (D) above shall not be deemed to be operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption.

(F) A small quantity handler of universal waste consumer electronic devices who conducts treatment or recycling activities as described in subsections (B) through (D) shall comply with the following waste management standards, as applicable:

1. Treatment/Recycling Notification and Reporting:

(A) **Notification:** A small quantity handler of universal waste consumer electronic devices who intends to conduct treatment activities as described in subsections (B), (C), or (D) above shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified below no later than 30 days prior to treating or recycling any universal waste consumer electronic devices.

1. The small quantity universal waste consumer electronic device handler's name and mailing address;

2. The name and business telephone number of the person at the small quantity universal waste consumer electronic device handler's site who should be contacted regarding universal waste management activities;

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

3. The name, mailing address and telephone number of the owner of the facility;
4. A description of the type of universal waste consumer electronic devices that will be treated;
5. A description of the treatment processes to be used;
6. Documentation that the facility operator has notified the facility property owner (if different from the operator of the facility) that the operator is conducting universal waste consumer electronic device treatment or recycling operations at the facility.

(B) **Annual Report:** A small quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall prepare and submit an annual report to the Department. The annual report shall be delivered by certified mail, return receipt requested, to the Department by February 1 of each calendar year. The report shall be dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications, and shall include the following information for the previous calendar year:

1. The name, address, physical location and a description of the facility;
2. The mailing address of the business entity that owns and operates the facility;
3. The name, title and telephone number of the person at the facility who should be contacted regarding universal waste management activities at the facility;
4. The facility EPA Identification number, if required;
5. The number of days each facility operated;
6. The total quantity (count or weight) of universal waste consumer electronic devices, and the types or categories of universal waste consumer electronic devices treated or recycled by the handler during the previous year;
7. The treatment or recycling method used for each universal waste consumer electronic device treated by the facility;
8. The final destination of universal waste consumer electronic devices recycled.
9. Whenever necessary, small quantity handlers utilizing mass based inventory systems may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per device) to fulfill this notification requirement. Small quantity handlers who perform data conversions shall indicate that the count data was derived from mass data and shall include the conversion factor(s) used in their notification.

2. **Containment of Residuals:** A small quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall manage all materials produced from the treatment of universal waste consumer electronic devices in a manner that prevents release of any universal waste consumer electronic devices or any components thereof, to the environment, as follows:

a. A small quantity handler of universal waste consumer electronic devices shall conduct activities only over or in a containment device (e.g., a tray, a box, or an enclosed machine) sufficient in size and construction to contain any materials that may be released.

b. A small quantity handler of universal waste consumer electronic devices shall contain any residuals produced from universal waste consumer electronic devices in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the container. Such containers and packages shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. A small quantity handler who manages whole consumer electronic devices in a manner that prevents breakage of the devices (e.g., shrink-wrapped on a pallet) shall be considered to comply with this requirement.

c. A small quantity handler of universal waste consumer electronic devices shall immediately clean up and place in a container any residuals produced from universal waste consumer electronic device that is broken and shall place in a container any residuals produced from universal waste consumer electronic device that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the universal waste consumer electronic devices and shall lack evidence

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

of leakage, spillage or damage that could cause leakage or releases of hazardous components to the environment under reasonably foreseeable conditions.

3. Worker Safety:

a. A small quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall be thoroughly familiar with the associated hazards and have access to the proper procedures and protective equipment necessary to safely conduct the treatment and to comply with the requirements of this section:

b. A small quantity handler of universal waste consumer electronic devices who conducts treatment activities shall ensure that the facility is operated in compliance with all applicable worker health and safety laws and regulations (i.e., California Code of Regulations, title 8).

4. **Zoning:** A small quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall ensure that the activities conducted at the facility are consistent with local zoning or land use requirements for that site.

5. **Management of Residuals:** A small quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall ensure that all materials generated as a result of the treatment processes are properly classified and managed in accordance with the applicable requirements of this division.

6. **Treatment Standards Applicable To Small Quantity Handlers Identified In Subsections (C) and (D):** A small quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (C) and (D) above shall:

a. Utilize only treatment methods that employ one or more of the following technologies:

1. Physical processes that change only the physical properties of the waste such as cutting, sawing, breaking, shredding, crushing, grinding, screening, sieving, acceleration, or compacting; and/or

2. Separation based on differences in physical properties such as size, color, density, or ferromagnetism.

3. If processes such as cutting, sawing, shredding, crushing, grinding, crushing, acceleration, or compacting are utilized, the handler shall ensure all mercury containing lamps and other components which contain fluids (i.e., liquids or gasses) that would be identified as hazardous pursuant to chapter 11 are removed prior to processing.

4. A small quantity handler of universal waste consumer electronic devices shall not manage any universal waste consumer electronic devices containing PCB ballasts, medical or biohazardous wastes, radioactive materials, reactive materials, or ignitable materials.

b. Ensure the treatment is conducted without the use or application of:

1. Chemicals or water

2. External heat.

c. Ensure that all hazardous wastes generated from treatment activities that are sent offsite for disposal are manifested in accordance with the applicable requirements of article 2 of chapter 12.

d. E.

e. Not accept for treatment, any consumer electronic devices that are managed, or are required to be managed, as hazardous waste under chapters 10 through 22 of this division unless authorized to do so under hazardous waste management permit or other grant of authorization.

f. Comply with the requirements of sections 66265.18 and 66265.25 of chapter 15 as those requirements apply to facility location and design standards.

g. Ensure that all treatment is conducted in compliance with all applicable local and state air pollution control laws and regulations.

h. Conduct treatment only for the purposes of recycling one or more types of universal waste consumer electronic devices.

i. Maintain on file the documents specified in subparagraphs (i)(1) and (i)(2) at the facility by no later than 30 days prior to recycling or treating any universal waste consumer electronic devices. The handler shall make these documents available upon demand at the facility to any representative of the Department, the U. S. EPA or a local governmental agency having jurisdiction over the facility. A copy of

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

these documents shall be delivered in person or by certified mail, return receipt requested, to the Department when requested in writing. The written request from the Department shall specify the documents that are required, where and how to submit those documents and the date by which those documents shall be submitted.

1. A copy of the most recent notifications and reports submitted as required by subsection (F)(1).

2. A copy of any local air district permit and other permits required for the facility.

j. No later than 30 days after ceasing treatment or recycling activities at the facility, a small quantity handler of universal waste consumer electronic devices shall submit to the Department, by certified mail, with return receipt requested, a notification containing the following information:

1. The date of the last day on which the handler conducted treatment or recycling activities;

2. The date of the last day on which the handler conducted handling activities at the facility, if applicable; and

3. The date the small quantity handler closed or vacated the facility, if applicable.

7. Treatment Standards Applicable to Small Quantity Handlers Identified In Subsection (D).

A small quantity handler of universal waste consumer electronic devices who conducts treatment activities other than manual disassembly or dismantling treatment as described in subsection (D) above shall:

a. No later than 30 days prior to initially recycling or treating any universal waste consumer electronic devices, prepare and submit to the Department, by certified mail, with return receipt requested, an estimate of the cost of facility closure prepared pursuant to section 66265.142. The small quantity handler shall evaluate the estimate annually and adjust it to reflect changes in closing cost as appropriate.

b. No later than 30 days prior to initially recycling or treating any universal waste consumer electronic devices, submit to the Department, by certified mail, with return receipt requested, documentation demonstrating financial assurance for closure pursuant to section 66265.143.

c. No later than 30 days prior to initially recycling or treating any universal waste consumer electronic devices, submit to the Department, by certified mail, with return receipt requested documentation demonstrating financial responsibility for liability pursuant to section 66265.147.

~~(e) Universal waste mercury switches and thermometers.~~ **Universal Waste Mercury Switches And Thermometers.** A small quantity handler of universal waste shall manage universal waste mercury switches and thermometers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

~~(f) Universal waste dental amalgam.~~ **Universal Waste Dental Amalgam.** A small quantity handler of universal waste shall manage universal waste dental amalgam in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

~~(g) Universal waste gauges.~~ **Universal Waste Gauges.** A small quantity handler of universal waste shall manage universal waste gauges in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

~~(h) Universal waste novelties.~~ **Universal Waste Novelties.** A small quantity handler of universal waste shall manage universal waste novelties in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

(i) ~~Universal waste counterweights and dampers.~~ **Universal Waste Counterweights And Dampers.** A small quantity handler of universal waste shall manage universal waste counterweights and dampers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(j) ~~Universal waste dilators and weighted tubing.~~ **Universal Waste Dilators And Weighted Tubing.** A small quantity handler of universal waste shall manage universal waste dilators and weighted tubing in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(k) ~~Universal waste rubber flooring.~~ **Universal Waste Rubber Flooring.** A small quantity handler of universal waste shall manage universal waste rubber flooring in a way that prevents releases of any universal waste or component of a universal waste to the environment.

(l) ~~Universal waste gas flow regulators.~~ **Universal Waste Gas Flow Regulators.** A small quantity handler of universal waste shall manage universal waste gas flow regulators in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

66273.14. Labeling/Marking.

(d) Each consumer electronic device or a container or ~~pallet package~~ in or on which consumer electronic devices are contained, including containers or pallets that also contain devices that are not waste, shall be labeled or marked clearly with one of the following phrases: "Universal Waste—Consumer Electronic Device(s)" or "UW—Consumer Electronic Device(s)."

(1) In lieu of labeling individual consumer electronic devices or containers or pallets, a small quantity handler may accumulate consumer electronic devices within a designated area demarcated by boundaries that are clearly labeled as described above provided no other materials are stored within that area.

66273.20. Exports.

(f) Notifications submitted under subsection (d) of this section shall be sent to the following address by certified mail, return receipt requested: Department of Toxic Substances Control, Hazardous Waste Management Program, ~~State Regulatory and Programs Development Division~~, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export Consumer Electronic Devices" prominently displayed on the front of the envelope.

(g) A person who exports covered electronic wastes shall also comply with the applicable export requirements of Public Resources Code, division 30, part 3, chapter 8.5.

Article 3. Standards for Large Quantity Handlers of Universal Waste

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

' 66273.33. Waste Management.

(a) ~~Universal waste batteries.~~**Universal Waste Batteries.** A large quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(b) ~~Universal waste thermostats.~~**Universal Waste Thermostats.** A large quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(c) ~~Lamps.~~**Lamps.** A large quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(d) ~~Consumer electronic devices.~~**Universal Waste Consumer Electronic Devices.** A large quantity handler of universal waste shall manage consumer electronic devices in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) **Containment:**

(A) A large quantity handler of universal waste shall contain any universal waste consumer electronic devices in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the universal waste consumer electronic devices. Such containers and packages shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Whole universal waste consumer electronic devices that are managed in a manner that prevents breakage of the device and release of hazardous components of the device (e.g, shrink-wrapped on a pallet) shall be considered to comply with this requirement.

~~(2) A large quantity handler of universal waste may disassemble a consumer electronic device provided the handler:~~

~~(A) Removes only those discrete assemblies that are typically removed during the normal operation of the consumer electronic device, such as the removal and replacement of batteries or ink cartridges; and~~

~~(B) Conducts the disassembly in the manner prescribed in the operating manual for the consumer electronic device, or that would otherwise be performed during the normal use of the consumer electronic device.~~

~~(B3) A large quantity handler of universal waste shall immediately clean up and place in a container any universal waste consumer electronic device that is broken and shall place in a container any consumer electronic device that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the universal waste consumer electronic devices and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of hazardous components to the environment under reasonably foreseeable conditions.~~

(2) General Notification and Reporting:

(A) Notification: A large quantity handler of universal waste consumer electronic devices who intends to handle any universal waste consumer electronic devices from any offsite source shall notify the Department at least 30 days prior to accepting any universal waste consumer electronic devices. This notification shall include the information specified below.

(1) Name of handler:

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

- (2) Telephone number of handler;
- (3) Type of handler for purposes of Public Resources Code, division 30, part 3, chapter 8.5 (i.e., collector, recycler, or dual entity);
- (4) Mailing address of handler, and physical address, including county, if different from the mailing address;
- (5) Name of the contact person;
- (6) Telephone number of the contact person;
- (7) An e-mail address for the contact person or organization, if available;
- (8) The types of universal waste consumer electronic devices expected to be handled;
- (9) The sources of universal waste consumer electronic devices (i.e., residential collections, business asset recovery, other collectors, etc.).

(B) **Annual Report.** A large quantity handler of universal waste consumer electronic devices that accepts more than five universal waste consumer electronic devices from any offsite source shall, by February 1 of each calendar year, commencing February 1, 2005, submit a written or electronic report containing the information specified below to the Department. The information submitted under this subsection shall cover universal waste consumer electronic device handling activities during the previous calendar year.

- (1) Name of handler;
- (2) Telephone number of handler;
- (3) Mailing address of handler, and physical address, including county, if different from the mailing address;
- (4) Name of the contact person;
- (5) Telephone number of the contact person;
- (6) An e-mail address for the contact person or organization, if available;
- (7) The types of universal waste consumer electronic devices handled;
- (8) The total quantity of universal waste consumer electronic devices (count or weight) handled during the previous calendar year;
- (9) A list including the names, addresses, and phone numbers of each location that the large quantity handler shipped universal waste consumer electronic devices to during the previous year and the total quantity of universal waste consumer electronic devices (count or weight) shipped to each location.

(C) Electronic notifications and reports submitted under this subsection shall be submitted to www.dtsc.ca.gov.

(D) Written notifications and reports shall be submitted to the Department by certified mail, return receipt requested to: Department of Toxic Substances Control, Hazardous Waste Management Program, Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: CED Handling Activities" prominently displayed on the front of the envelope.

(3) **Large Quantity Handler Standards:** A large quantity handler of universal waste consumer electronic devices may treat or recycle the universal waste consumer electronic devices (i.e., may conduct hazardous waste treatment) provided the handler complies with the applicable standards below:

(A) Notwithstanding subsections (B), (C), and (D) below, a large quantity handler of universal waste consumer electronic devices may remove from the universal waste consumer electronic devices any discrete assemblies which are typically removed during the normal operation of the universal waste consumer electronic device, such as the removal and replacement of batteries or ink cartridges, provided the large quantity universal waste handler conducts the disassembly in the manner prescribed in the operating manual for the universal waste consumer electronic device, or that would otherwise be performed during the normal use of the universal waste consumer electronic device.

(B) A large quantity handler of universal waste who recycles universal waste consumer electronic devices by reclaiming components (e.g., circuit boards, integrated circuits, metals, plastic, wiring, batteries, lamps, etc.) from universal waste consumer electronic devices through manual disassembly, dismantling, or otherwise manually segregating components from those devices for the purposes of directly reusing those components onsite without further processing, or sending those components offsite

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

for direct reuse or further reclamation at another location shall comply with subsections (F)(1) through (F)(5) below.

(C) A large quantity handler of universal waste who recycles universal waste consumer electronic devices (and their components) through the utilization of treatment processes other than manual disassembly for the purposes of directly reusing components onsite without further processing, sending components offsite for direct reuse, or sending components or treatment residuals offsite for further reclamation at another location, and whose recycling or treatment activities produces only hazardous residuals that meet the definition of scrap metal in 66260.10, or which are otherwise exempt from full regulation as hazardous waste, shall comply with subsections (F)(1) through (F)(6) below.

(D) A large quantity handler of universal waste who recycles universal waste consumer electronic devices (and their components) through the utilization of treatment processes other than manual disassembly for the purposes of directly reusing components onsite without further processing, sending components offsite for direct reuse, or sending components or treatment residuals offsite for further reclamation at another location, and whose recycling or treatment activities produce any residuals which exhibit any hazardous waste characteristic defined in chapter 11 and do not meet the definition of scrap metal in section 66260.10 or qualify for management as universal waste under this chapter shall comply with subsections (F)(1) through (F)(7) below.

(E) A large quantity handler of universal waste consumer electronic devices who conducts treatment or recycling activities as described in subsections (A) through (D) above shall not be deemed to be operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption.

(F) A large quantity handler of universal waste consumer electronic devices who conducts treatment or recycling activities as described in subsections (B) through (D) shall comply with the following waste management standards, as applicable:

1. Treatment/Recycling Notification and Reporting:

(A) **Notification:** A large quantity handler of universal waste consumer electronic devices who intends to conduct treatment activities as described in subsections (B), (C), or (D) above shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified below no later than 30 days prior to treating or recycling any universal waste consumer electronic devices.

1. The large quantity universal waste consumer electronic device handler's name and mailing address:

2. The name and business telephone number of the person at the large quantity universal waste consumer electronic device handler's site who should be contacted regarding universal waste management activities:

3. The name, mailing address and telephone number of the owner of the facility:

4. A description of the type of universal waste consumer electronic devices that will be treated:

5. A description of the treatment processes to be used:

6. Documentation that the facility operator has notified the facility property owner (if different from the operator of the facility) that the operator is conducting universal waste consumer electronic device treatment or recycling operations at the facility.

(B) **Annual Report:** A large quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall prepare and submit an annual report to the Department. The annual report shall be delivered by certified mail, return receipt requested, to the Department by February 1 of each calendar year. The report shall be dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications, and shall include the following information for the previous calendar year:

1. The name, address, physical location and a description of the facility:

2. The mailing address of the business entity that owns and operates the facility:

3. The name, title and telephone number of the person at the facility who should be contacted regarding universal waste management activities at the facility:

4. The facility EPA Identification number, if required:

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

5. The number of days each facility operated:
6. The total quantity (count or weight) of universal waste consumer electronic devices, and the types or categories of universal waste consumer electronic devices treated or recycled by the handler during the previous year:
7. The treatment or recycling method used for each universal waste consumer electronic device treated by the facility:
8. The final destination of universal waste consumer electronic devices recycled.
9. Whenever necessary, large quantity handlers utilizing mass based inventory systems may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per device) to fulfill this notification requirement. Large quantity handlers who perform data conversions shall indicate that the count data was derived from mass data and shall include the conversion factor(s) used in their notification.

2. Containment of Residuals: A large quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall manage all materials produced from the treatment of universal waste consumer electronic devices in a manner that prevents release of any universal waste consumer electronic devices or any components thereof, to the environment, as follows:

a. A large quantity handler of universal waste consumer electronic devices shall conduct activities only over or in a containment device (e.g., a tray, a box, or an enclosed machine) sufficient in size and construction to contain any materials that may be released.

b. A large quantity handler of universal waste consumer electronic devices shall contain any residuals produced from universal waste consumer electronic devices in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the container. Such containers and packages shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. A large quantity handler who manages whole consumer electronic devices in a manner that prevents breakage of the devices (e.g., shrink-wrapped on a pallet) shall be considered to comply with this requirement.

c. A large quantity handler of universal waste consumer electronic devices shall immediately clean up and place in a container any residuals produced from universal waste consumer electronic device that is broken and shall place in a container any residuals produced from universal waste consumer electronic device that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the universal waste consumer electronic devices and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of hazardous components to the environment under reasonably foreseeable conditions.

3. Worker Safety:

a. A large quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall be thoroughly familiar with the associated hazards and have access to the proper procedures and protective equipment necessary to safely conduct the treatment and to comply with the requirements of this section;

b. A large quantity handler of universal waste consumer electronic devices who conducts treatment activities shall ensure that the facility is operated in compliance with all applicable worker health and safety laws and regulations (i.e., California Code of Regulations, title 8).

4. Zoning: A large quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall ensure that the activities conducted at the facility are consistent with local zoning or land use requirements for that site.

5. Management of Residuals: A large quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall ensure that all materials generated as a result of the treatment processes are properly classified and managed in accordance with the applicable requirements of this division.

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

6. Treatment Standards Applicable To Large Quantity Handlers Identified In Subsections (C) and (D): A large quantity handler of universal waste consumer electronic devices who conducts treatment activities as described in subsections (C) and (D) above shall:

- a. Utilize only treatment methods that employ one or more of the following technologies:
 1. Physical processes that change only the physical properties of the waste such as cutting, sawing, breaking, shredding, crushing, grinding, screening, sieving, acceleration, or compacting; and/or
 2. Separation based on differences in physical properties such as size, color, density, or ferromagnetism.
 3. If processes such as cutting, sawing, shredding, crushing, grinding, crushing, acceleration, or compacting are utilized, the handler shall ensure all mercury containing lamps and other components which contain fluids (i.e., liquids or gasses) that would be identified as hazardous pursuant to chapter 11 are removed prior to processing.
 4. A large quantity handler of universal waste consumer electronic devices shall not manage any universal waste consumer electronic devices containing PCB ballasts, medical or biohazardous wastes, radioactive materials, reactive materials, or ignitable materials.
 - b. Ensure the treatment is conducted without the use or application of:
 1. Chemicals or water
 2. External heat.
 - c. Ensure that all hazardous wastes generated from treatment activities that are sent offsite for disposal are manifested in accordance with the applicable requirements of article 2 of chapter 12.
 - d. E.
 - e. Not accept for treatment, any consumer electronic devices that are managed, or are required to be managed, as hazardous waste under chapters 10 through 22 of this division unless authorized to do so under hazardous waste management permit or other grant of authorization.
 - f. Comply with the requirements of sections 66265.18 and 66265.25 of chapter 15 as those requirements apply to facility location and design standards.
 - g. Ensure that all treatment is conducted in compliance with all applicable local and state air pollution control laws and regulations.
 - h. Conduct treatment only for the purposes of recycling one or more types of universal waste consumer electronic devices.
 - i. Maintain on file the documents specified in subparagraphs (i)(1) and (i)(2) at the facility by no later than 30 days prior to recycling or treating any universal waste consumer electronic devices. The handler shall make these documents available upon demand at the facility to any representative of the Department, the U. S. EPA or a local governmental agency having jurisdiction over the facility. A copy of these documents shall be delivered in person or by certified mail, return receipt requested, to the Department when requested in writing. The written request from the Department shall specify the documents that are required, where and how to submit those documents and the date by which those documents shall be submitted.
 1. A copy of the most recent notifications and reports submitted as required by subsection (F)(1).
 2. A copy of any local air district permit and other permits required for the facility.
 - j. No later than 30 days after ceasing treatment or recycling activities at the facility, a large quantity handler of universal waste consumer electronic devices shall submit to the Department, by certified mail, with return receipt requested, a notification containing the following information:
 1. The date of the last day on which the handler conducted treatment or recycling activities;
 2. The date of the last day on which the handler conducted handling activities at the facility, if applicable; and
 3. The date the large quantity handler closed or vacated the facility, if applicable.
- 7. Treatment Standards Applicable to Large Quantity Handlers Identified In Subsection (D).** A large quantity handler of universal waste consumer electronic devices who conducts treatment activities other than manual disassembly or dismantling treatment as described in subsection (D) above shall:

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

a. No later than 30 days prior to initially recycling or treating any universal waste consumer electronic devices, prepare and submit to the Department, by certified mail, with return receipt requested, an estimate of the cost of facility closure prepared pursuant to section 66265.142. The large quantity handler shall evaluate the estimate annually and adjust it to reflect changes in closing cost as appropriate.

b. No later than 30 days prior to initially recycling or treating any universal waste consumer electronic devices, submit to the Department, by certified mail, with return receipt requested, documentation demonstrating financial assurance for closure pursuant to section 66265.143.

c. No later than 30 days prior to initially recycling or treating any universal waste consumer electronic devices, submit to the Department, by certified mail, with return receipt requested documentation demonstrating financial responsibility for liability pursuant to section 66265.147.

(e) ~~Universal waste mercury switches and thermometers.~~ **Universal Waste Mercury Switches And Thermometers.** A large quantity handler of universal waste shall manage universal waste mercury switches and thermometers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(f) ~~Universal waste dental amalgam.~~ **Universal Waste Dental Amalgam.** A large quantity handler of universal waste shall manage universal waste dental amalgam in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(g) ~~Universal waste gauges.~~ **Universal Waste Gauges.** A large quantity handler of universal waste shall manage universal waste gauges in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(h) ~~Universal waste novelties.~~ **Universal Waste Novelties.** A large quantity handler of universal waste shall manage universal waste novelties in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) ~~Universal waste counterweights and dampers.~~ **Universal Waste Counterweights And Dampers.** A large quantity handler of universal waste shall manage universal waste counterweights and dampers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(j) ~~Universal waste dilators and weighted tubing.~~ **Universal Waste Dilators And Weighted Tubing.** A large quantity handler of universal waste shall manage universal waste dilators and weighted tubing in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(k) ~~Universal waste rubber flooring.~~ **Universal Waste Rubber Flooring.** A large quantity handler of universal waste shall manage universal waste rubber flooring in a way that prevents releases of any universal waste or component of a universal waste to the environment.

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

~~(f) Universal waste gas flow regulators.~~ **Universal Waste Gas Flow Regulators.** A large quantity handler of universal waste shall manage universal waste gas flow regulators in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

' 66273.34. Labeling/Marking.

(d) Each consumer electronic device or a container or ~~pallet package~~ in or on which consumer electronic devices are contained, including containers or pallets that also contain devices that are not waste, shall be labeled or marked clearly with one of the following phrases: "Universal Waste—Consumer Electronic Device(s)" or "UW—Consumer Electronic Device(s)."

(1) In lieu of labeling individual consumer electronic devices or containers or pallets, a large quantity handler may accumulate consumer electronic devices within a designated area demarcated by boundaries that are clearly labeled as described above provided no other materials are stored within that area.

' 66273.40. Exports.

(f) Notifications submitted under subsection (d) of this section shall be sent to the following address by certified mail, return receipt requested: Department of Toxic Substances Control, Hazardous Waste Management Program, ~~State Regulatory and Programs Development~~ Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export Consumer Electronic Devices" prominently displayed on the front of the envelope.

(g) A person who exports covered electronic wastes shall also comply with the applicable export requirements of Public Resources Code, division 30, part 3, chapter 8.5.

Article 4. Standards for Universal Waste Transporters

66273.51. Prohibitions.

(d) Prohibited from transporting more than five universal waste consumer electronic devices at any one time unless the universal waste consumer electronic devices are contained as described in subsection 66273.13(d)(1) or 66273.33(d)(1).

66273.53. Storage Time Limits.

(a) A universal waste transporter or a CRT material transporter may only store the universal waste or CRT materials at a universal waste transfer facility for ten days or less in an area zoned ~~industrial~~ and for six days or less in all other areas.

(b) If a universal waste transporter or a CRT material transporter stores universal waste or CRT material for more than ten days in an area zoned industrial or for more than six days in any other

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

area, the transporter becomes a universal waste handler or a CRT material handler and shall comply with the applicable requirements of article 2 or 3 of this chapter while storing the universal waste.

66273.56. Exports.

(c) A person who exports covered electronic wastes shall also comply with the applicable export requirements of Public Resources Code, division 30, part 3, chapter 8.5.

Article 7. Standards for CRT Material Handlers

66273.82. Notification and Reporting Requirements for CRT Material Handlers.

(a) **Notification:** A CRT material handler who intends to handle any CRT materials from any offsite source shall notify the Department at least 30 days prior to accepting any CRT materials. This notification shall include the information specified below.

(1) Name of CRT material handler;

(2) Telephone number of CRT material handler;

(3) Type of handler for purposes of Public Resources Code, division 30, part 3, chapter 8.5 (collector, recycler, dual entity);

(4) Mailing address of CRT material handler, and physical address if different;

(5) Name of the contact person

(6) Telephone number of the contact person;

(7) An e-mail address of the contact person or organization, if available.

(8) The types of CRT materials expected to be handled;

(9) The sources of CRT materials (i.e., residential collections, business asset recovery, other collectors, etc.);

(b) Annual Report

(a1) A CRT material handler that accepts five or less CRTs, five or less CRT devices, or 100 kilograms or less of CRT glass per calendar year from offsite sources is not required to ~~notify~~ submit an annual report to the Department of ~~for those~~ universal waste handling activities.

(b2) A CRT material handler that accepts more than five CRTs or more than five CRT devices or more than 100 kilograms of CRT glass per calendar year from any offsite source shall, by February 1 of each calendar year, ~~commencing February 1, 2004,~~ submit a written or electronic ~~notification~~ annual report containing the information specified in ~~subsection paragraph (d4)~~ to the Department. ~~For written notifications, the notification shall be submitted by certified mail, return receipt.~~ The information submitted under this subsection shall cover CRT material handling activities during the previous calendar year.

(c3) A CRT material handler that generates 5,000 kilograms (about 200 CRTs) or more of CRT material (CRTs, CRT devices and CRT glass calculated collectively) per calendar year shall, by February 1 of each calendar year, ~~commencing with February 1, 2004,~~ submit a written or electronic ~~notification~~ annual report containing the information specified in ~~subsection paragraph (d4)~~ to the Department. ~~For written notifications, the notification shall be submitted by certified mail, return receipt.~~ The information submitted under this subsection shall cover CRT material handling activities during the previous calendar year.

(d4) This ~~notification~~ annual report shall include:

(1A) The CRT material handler's name and mailing address;

(2B) The name and business telephone number of the person at the CRT material handler's site who should be contacted regarding universal waste management activities;

(3C) The address or physical location including the county of the CRT material management activities;

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

(4D) The total quantity of CRTs (count), the total quantity of CRT devices (count) and the total quantity of CRT glass (weight) handled during the previous year;

(5E) A list including the names, addresses, and phone numbers of each location that the handler shipped CRTs to during the previous year and the total quantity of CRTs (count) shipped to each location;

(6F) A list including the names, addresses, and phone numbers of each location that the handler shipped CRT devices to during the previous year and the total quantity of CRT devices (count) shipped to each location;

(7G) A list including the names, addresses, and phone numbers of each location that the handler shipped CRT glass to during the previous year and the total quantity of CRT glass (weight) shipped to each location.

(ec) Whenever necessary, handlers utilizing mass based inventory systems may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per CRT) to fulfill this notification requirement. Handlers who perform data conversions shall indicate that the count data was derived from mass data and shall include the conversion factor(s) used in their notification.

(fd) ~~Written notifications and reports shall be submitted to the Department by certified mail, return receipt requested to:~~ ~~Notifications submitted under this section by mail shall be sent to the following address:~~ Department of Toxic Substances Control, Hazardous Waste Management Program, State Regulatory and Programs Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: ~~Notification of CRT Materials Handling Activities~~" prominently displayed on the front of the envelope.

(ge) ~~Electronic Notifications and reports submitted under this section electronically shall be submitted to www.dtsc.ca.gov.~~

66273.83. Waste Management.

(a) Containment.

A CRT material handler shall manage CRT materials in a manner that prevents release of any CRT material or component of a CRT material to the environment, as follows:

(1) A CRT material handler shall contain any CRT materials in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the container (CRTs, CRT devices and CRT glass). Such containers and packages shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. A CRT material handler who manages whole CRT devices in a manner that prevents breakage of the CRT and release of CRT glass (e.g., shrink-wrapped on a pallet) shall be considered to comply with this requirement.

(2) A CRT material handler shall immediately clean up and place in a container any CRTs, CRT devices and CRT glass that is broken and shall place in a container any CRTs, CRT devices and CRT glass that shows evidence of breakage, leakage, or damage that could cause the release of lead or other hazardous constituents to the environment. Containers shall be structurally sound, and compatible with the contents of the container (CRTs, CRT devices and CRT glass) and shall lack evidence of leakage, spillage or damage that could cause the release of glass or other hazardous constituents to the environment under reasonably foreseeable conditions.

(b) CRT removal.

(1) A CRT material handler may remove CRTs from CRT devices provided the handler:

(A) Removes the CRTs in a manner designed to prevent breakage of the CRTs;

(B) Removes the CRTs only over or in a containment device (e.g., a tray, a box, or an enclosed machine) sufficient in size and construction to contain any CRT glass that may be released in the event of breakage;

(C) Ensures that persons removing CRTs are thoroughly familiar with the techniques and safety precautions required to safely remove CRTs;

(D) Packages the removed CRTs in a container with sufficient packing materials to prevent breakage during handling, storage and transportation.

(2) A CRT material handler who removes CRTs from CRT devices shall determine whether any of the remaining portion of the CRT device or any other waste generated during the removal process

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

exhibits any characteristic of a hazardous waste identified in article 3 of chapter 11 and, if so, shall manage the hazardous waste in compliance with all applicable requirements of this division.

(c) CRT material treatment and recycling.

A CRT material handler may treat or recycle CRTs, CRT devices or CRT glass provided the handler:

(1)(A) Submits a notification to the Department pursuant to subparagraphs 1 and 3.

1. For a facility that treats or recycles CRT material, the CRT material handler at that facility shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified in subparagraph 2 no later than 30 days prior to treating or recycling any CRT material.

2. This notification shall include:

- a. The information specified in subsections 66273.82(d)(1), (d)(2), and (d)(3);
- b. The name, mailing address and telephone number of the owner of the facility;
- c. A description of the type of CRT material treated;
- d. A description of the treatment processes used;
- e. Documentation that the facility operator has notified the facility property owner (if different from the operator of the facility) that the operator is conducting CRT waste treatment or recycling operations at the facility;

3. For a facility that treated or recycled CRT material pursuant to this subsection, the CRT material handler at that facility shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified in subparagraph 4 no later than 30 days prior to ceasing treatment or recycling activities at the facility, and shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified in subparagraph 5 no later than 30 days after ceasing treatment or recycling activities at the facility.

4. This notification shall include:

- a. The date when the CRT material handler expects to complete CRT material treatment or recycling activities;
- b. The date when the CRT material handler expects to complete CRT material handling activities at the facility, if applicable; and
- c. The date when the CRT material handler expects to close or vacate the facility.

5. This notification shall include:

- a. The date of the last day on which the CRT material handler conducted CRT material treatment or recycling activities;
- b. The date of the last day on which the CRT material handler conducted CRT material handling activities at the facility, if applicable; and
- c. The date the CRT material handler closed or vacated the facility.

(B) Completes, signs and dates each notification required by this paragraph in accordance with the requirements of section 66270.11 as those requirements apply to permit applications;

(2) ~~Prepares and maintains records of~~ Submits to the Department, by certified mail, with return receipt requested, a cost estimate for closure pursuant to section 66265.142 by no later than 30 days prior to recycling or treating any CRT material;

(3) Submits to the Department, by certified mail, with return receipt requested, documentation demonstrating financial assurance for closure pursuant to section 66265.143 no later than 30 days prior to recycling or treating any CRT material;

(4) Submits to the Department, by certified mail, with return receipt requested, documentation demonstrating financial responsibility for liability pursuant to section 66265.147 no later than 30 days prior to recycling or treating any CRT material;

(5) ~~Prepares and maintains~~ on file the documents specified in subparagraphs (5)(A) and (5)(B) at the facility by no later than 30 days prior to recycling or treating any CRT material. The CRT material handler shall make these documents available upon demand at the facility to any representative of the Department, the U. S. EPA or a local governmental agency having jurisdiction over the facility. A copy of

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

these documents shall be delivered in person or by certified mail, return receipt requested, to the Department when requested in writing. The written request from the Department shall specify the documents that are required, where and how to submit those documents and the date by which those documents shall be submitted.

(A) A copy of the most recent notification submitted as required by subsection (c).

(B) A copy of any local air district permit and other permits required for the facility.

(6) Prepares and submits annual report to the Department. The annual report shall be delivered by certified mail, return receipt requested, to the Department by February 1 of each calendar year. The report shall be dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications, and shall include the following information for each CRT material handler who treated CRT materials during the previous calendar year:

(A) The name, address, physical location and a description of the facility;

(B) The mailing address of the business entity that owns and operates the facility;

(C) The name, title and telephone number of the person at the facility who should be contacted regarding universal waste management activities at the facility;

(D) The facility EPA Identification number, if required;

(E) The number of days each facility operated;

(F) The total quantity (count or weight) of CRT devices treated or recycled by the handler during the previous year;

(G) The total quantity (count or weight) of CRTs treated or recycled by the handler during the previous year;

(H) A list including the names, addresses, and phone numbers of each location to which the handler shipped CRT glass to during the previous year and the total quantity of CRT glass (weight) shipped to each location;

(I) The treatment or recycling method used for each CRT material treated by the facility;

(7) Does not accept any CRTs, CRT devices or CRT glass that are managed, or are required to be managed, as hazardous waste under chapters 10 through 22 of this division;

(8) Conducts the treatment for the purpose of recycling one or more types of CRT glass and the CRT glass is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter;

(9) Ensures all treatment is conducted over or in a containment device (e.g., a tray, box or enclosed machine) sufficient in size and construction to contain any CRT glass that may be released;

(10) Utilizes only treatment methods that employ one or more of the following technologies:

(A) physical processes that change only the physical properties of the waste such as cutting, sawing, breaking, shredding, crushing, or compacting; and/or

(B) separation based on differences in physical properties such as size, color, or density; and/or

(C) screening to separate components based on size;

(11) Ensures the treatment is conducted without the use or application of:

(A) chemicals, including water, other than recirculated coolant used in CRT cutting machines; or

(B) external heat, other than the use of a pinpoint torch to thermally check (crack) the CRT glass for separation;

(12) Ensures that all persons that perform treatment or recycling are thoroughly familiar with the associated hazards and have access to the proper procedures and protective equipment necessary to safely conduct the treatment and to comply with the requirements of this section;

(13) Ensures that the facility is operated in compliance with all applicable local and state air pollution control laws and regulations.

(14) Ensures that the facility is operated in compliance with all applicable worker health and safety laws and regulations [i.e., California Code of Regulations, title 8, subchapter 7 (General Industry Safety Orders), group 16 (Control of Hazardous Substances), article 107 (Dusts, Fumes Vapors and Mists) and article 109 (Hazardous Substances and Processes), and section 5198 (Lead)].

(15) Ensures that all materials generated as a result of the treatment processes are properly classified and managed in accordance with the applicable requirements of this division.

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (xxx)

DRAFT

(16) Ensures that the activities conducted at the facility are consistent with local zoning or land use requirements for that site.

(17) Maintains compliance with the requirements of sections 66265.18 and 66265.25 of chapter 15 as those requirements apply to facility location and design standards.

(d) A handler that treats or recycles CRT materials pursuant to subsection © of this section shall not be deemed to be operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption.

66273.90. Exports.

(c) Notifications submitted under this section shall be sent to the following address by certified mail, return receipt requested: Department of Toxic Substances Control, Hazardous Waste Management Program, ~~State~~ Regulatory and Programs Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export CRT Materials" prominently displayed on the front of the envelope.

(d) A person who exports covered electronic wastes shall also comply with the applicable export requirements of Public Resources Code, division 30, part 3, chapter 8.5.

Legend:

Underscore means proposed regulatory text (xxx)

Strikethrough means deletion of existing regulatory text (~~xxx~~)